



புதுச்சேரி மாநில அரசிதழ்

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PART - I

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EXTRAORDINAIRE

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GOVERNMENT OF PUDUCHERRY ELECTIONS DEPARTMENT

No. E.60/2013-662.

Puducherry, the 25th October 2013.

NOTIFICATION

The following Gazette/Notifications received from the Ministry of Law and Justice, New Delhi is republished for information of the public.

Sl. No.	No. and date	Subject
(1)	(2)	(3)
1	Notification No. S.O 2470(E), dated 14-8-2013 of the Ministry of Law and Justice.	The Conduct of Elections (Amendment) Rules, 2013
2	Gazette of India No. 39, dated 23-9-2013	The Representation of the People (Amendment and Validation) Act, 2013.
3	Gazette of India No. 34, dated 19-9-2013	The Constitution (Scheduled Tribes) Order (Amendment) Act, 2013

T. SREEKANTH,
Chief Electoral Officer.

MINISTRY OF LAW AND JUSTICE**(Legislative Department)****NOTIFICATION**

New Delhi, the 14th August, 2013

S.O. 2470(E).—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:—

1. (1) These rules may be called the Conduct of Elections (Amendment) Rules, 2013.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Conduct of Elections Rules, 1961 (hereinafter referred to as the principal rules), after rule 49A, the following proviso shall be inserted, namely:—

“Provided that a printer with a drop box of such design, as may be approved by the Election Commission, may also be attached to a voting machine for printing a paper trail of the vote, in such constituency or constituencies or parts thereof as the Election Commission may direct.”.

3. In the principal rules, in rule 49B, in sub-rule (4), after clause (b), the following clause shall be inserted, namely:—

“(c)where the printer for paper trail is used under the proviso to rule 49A, set the printer as per the number of contesting candidates set in the control unit by —

- (i) loading in the printer the serial numbers and names of candidates and symbols allotted to them as given on the balloting units under clause (a);
- (ii) loading paper in the printer; and
- (iii) sealing the printer in such manner as may be directed by the Election Commission.”.

4. In the principal rules, in rule 49E,—

- (a) in sub-rule (1), in the opening portion, after the words “every voting machine used at polling station,”, the words “and the printer for paper trail where used,” shall be inserted;
- (b) in sub-rule (2), for the words, brackets and figure “no voter has been already recorded in the voting machine and it bears the label referred to in sub-rule (4).”, the words, brackets and figure “no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (1), and where the printer for paper trail is used that the drop box of the printer is empty.” shall be substituted;

(c) after sub-rule (6), the following sub-rule shall be inserted, namely:-

“(7) Where the printer for paper trail is used, the printer shall also be kept along with the balloting unit in the voting compartment and shall be connected to the electronic voting machine in the manner as directed by the Election Commission.”.

5. In the principal rules, in rule 49M, in sub-rule (3), after clause (c), the following proviso shall be inserted, namely:—

“Provided that where printer for paper trail is used, upon casting the vote by pressing the button as referred to in clause (b), the elector shall be able to view through the transparent window of the printer, kept alongwith the balloting unit inside the voting compartment, the printed paper slip showing the serial number, name and the symbol of the candidate for whom he has cast his vote before such paper slip gets cut and drops in the drop box of the printer.”.

6. In the principal rules, after rule 49M, the following rule shall be inserted, namely:-

“49MA.Procedure in case of complaint about particulars printed on paper slip.—(1) Where printer for paper trail is used, if an elector after having recorded his vote under rule 49M alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the presiding officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration.

(2) If the elector gives the written declaration referred to in sub-rule (1), the presiding officer shall make a second entry related to that elector in Form 17A, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

(3) If the allegation is found true, the presiding officer shall report the facts immediately to the returning officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the returning officer.

(4) If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule (2), then, the presiding officer shall—

- (i) make a remark to that effect against the second entry relating to that elector in Form 17A mentioning the serial number and name of the candidate for whom such test vote has been recorded;
- (ii) obtain the signature or thumb impression of that elector against such remarks; and
- (iii) make necessary entries regarding such test vote in item 5 in Part I of Form 17C.”.

7. In the principal rules, in rule 49T,—

(a) in sub-rule (1), after the words “detach the balloting unit from the control unit”, the words “and from the printer, where printer is also used, so however, that the paper slips contained in the drop box of the printer shall remain intact” shall be inserted;

(b) in sub-rule (2), for the words “The control unit and the balloting unit shall,”, the words “The control unit, the balloting unit and the printer, where it is used, shall” shall be inserted.

8. In the principal rules, in rule 66A, in clause (i),—

(A) in rule 56C, in sub-rule (2), after clause (a), the following proviso shall be inserted, namely:—

“Provided that the test vote recorded, if any, for a candidate, as per item 5 in Part I of Form 17C, shall be subtracted from the number of votes recorded for such candidate as displayed on the control unit.”;

(B) after rule 56C, the following rule shall be inserted, namely:—

“56D. Scrutiny of paper trail.—(1) Where printer for paper trail is used, after the entries made in the result sheet are announced, any candidate, or in his absence, his election agent or any of his counting agents may apply in writing to the returning officer to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations.

(2) On such application being made, the returning officer shall, subject to such general or special guidelines, as may be issued by the Election Commission, decide the matter and may allow the application in whole or in part or may reject in whole, if it appears to him to be frivolous or unreasonable.

(3) Every decision of the returning officer under sub-rule (2) shall be in writing and shall contain the reasons therefor.

(4) If the returning officer decides under sub-rule (2) to allow counting of the paper slips either wholly or in part or parts, he shall—

(a) do the counting in the manner as may be directed by the Election Commission;

(b) if there is discrepancy between the votes displayed on the control unit and the counting of the paper slips, amend the result sheet in Form 20 as per the paper slips count;

(c) announce the amendments so made by him; and

(d) complete and sign the result sheet.”;

(C) in rule 57C,—

(a) in sub-rule (1), after the words “the memory of such result”, the words “and where printer for paper trail is used, the returning officer shall seal the paper slips in such manner, as may be directed by the Election Commission” shall be inserted;

(b) in sub-rule (2), —

(i) in the opening portion, after the words “The control unit”, the words “and the paper slips” shall be inserted;

(ii) in clause (c), after the words “the control unit”, the words “and printer wherever used” shall be inserted.

9. In the principal rules, in rule 92, in sub-rule (2), after clause (c), the following clause shall be inserted, namely:-

“(cc) the printed paper slips sealed under the provisions of rule 57C;”.

10. In the principal rules, in rule 93, in sub-rule (1), after clause (c), the following clause shall be inserted, namely:-

“(cc) the printed paper slips sealed under the provisions of rule 57C;”.

11. In the principal rules, in rule 94, in the proviso to clause (b), after the words “counterfoils of used ballot papers”, the words “and the printed paper slips, if any,” shall be inserted.

12. In the principal rules, for FORM 17C, the following form shall be substituted, namely:—

“FORM 17C
[See rules 49S and 56C(2)]

PART I.—ACCOUNT OF VOTES RECORDED

Election to House of the People/Legislative Assembly of the State/Union
territory.....from.....Constituency.

Number and Name of Polling Station:
Identification Number of voting	control unit
Machine used at the Polling Station :	balloting unit.....
	Printer (if used)

1. Total number of electors assigned to the Polling Station
2. Total number of voters as entered in the Register for Voters (Form 17A)
3. Number of voters deciding not to record votes under rule 49-O
4. Number of voters not allowed to vote under rule 49M

5. Test votes recorded under rule 49MA (d) required to be deducted-

(a) total number of test votes to be deducted: Total No. Sl. No.(s) of elector(s) in Form 17A

.....

(b) candidate(s) for whom test vote(s) cast: Sl.No Name of candidate No. of votes

.....

.....

6. Total number of votes recorded as per voting machine:.....

7. Whether the total number of votes as shown against item 6 tallies with the total number of votes as shown against item 2 minus numbers of voters deciding not to record votes as against item 3 minus number of voters as against item 4 (i.e. 2-3-4) or any discrepancy noticed:.....

8. Number of voters to whom tendered ballot papers were issued under rule 49P:.....

9. Number of tendered ballot papers.

Total	From	Sl.No.	To
-------	------	--------	----

(a) received for use

(b) issued to electors

(c) not used and returned

10. Account of papers seals

Signature of polling agents.

1. Paper seals supplied for use :	Total No.....	1.
	Sl. No. from.....to	

2. Paper seals used :	Total No	2
	Sl. No. (s).....	

3. Unused paper seals returned to Returning Officer :	Total No	3
	Sl. No.(s)	

4. Damaged paper seal, if any :	Total No	4
	Sl. No.(s)	

5

6

Date.....

Place.....

Signature of Presiding Officer

Polling Station No.....

PART II—RESULT OF COUNTING

Sl.No. of candidate	Name of candidate	Number of votes as displayed on control unit	Number of test votes to be deducted as per item 5 of Part I.	Number of valid votes. (3 -4)
(1)	(2)	(3)	(4)	(5)

1.

2.

3.

4.

5.

6.

Total

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals.

Place.....

Date.....

Name of candidate/election agent/counting agent

Signature of Counting Supervisor
Full signature

1.

2.

3.

4.

5.

6.

7.

Place

Date.....

Signature of Returning Officer.”.

[F.No.II-11019(10)/2010-I.eg.II]

Dr. G. NARAYANA RAJU, Jt. Secy. and Legislative Counsel.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 859, dated the 15th April, 1961 and last amended vide notification number S. O. 1732(E) dated 1st August, 2012.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd September, 2013/Asvina 1, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 20th September, 2013, and is hereby published for general information:—

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT AND
VALIDATION) ACT, 2013**

No. 29 OF 2013

[20th September, 2013.]

An Act further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Representation of the People (Amendment and Validation) Act, 2013.

(2) It shall be deemed to have come into force on the 10th day of July, 2013.

Amendment of
section 7.

2. In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in section 7, in clause (b), after the words "or Legislative Council of a State", the words "under the provisions of this Chapter, and on no other ground" shall be inserted.

43 of 1951.

Amendment of
section 62.

3. In section 62 of the principal Act, after the proviso to sub-section (5), the following proviso shall be inserted, namely:—

"Provided further that by reason of the prohibition to vote under this sub-section, a person whose name has been entered in the electoral roll shall not cease to be an elector."

Validation.

4. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, the provisions of the Representation of the People Act, 1951, as amended by this Act, shall have and shall be deemed always to have effect for all purposes as if the provisions of this Act had been in force at all material times.

43 of 1951.

P.K. MALHOTRA,
Secy. to the Govt. of India.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th September, 2013/Bhadra 28, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 18th September, 2013, and is hereby published for general information:—

THE CONSTITUTION (SCHEDULED TRIBES) ORDER
(AMENDMENT) ACT, 2013

No. 24 OF 2013

[18th September, 2013.]

An Act further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2013.

Short title.

C.O. 22.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950,—

(a) in Part VII.— Kerala, after entry 27, insert—

“28. Marati (of the Hosdurg and Kasargod Taluks of Kasargod District);

Amendment of
Part-VII and Part-XX
of Constitution
(Scheduled Tribes)
Order, 1950.

(b) in Part XX.— Chhattisgarh,—

(i) in entry 16, after “Asur,” insert “Abhuj Maria,”;

(ii) in entry 27, after “Korwa,” insert “Hill Korwa,”.

P.K. MALHOTRA,
Secy. to the Govt. of India.

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